

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3795 of 2015**

1. Akbari Prasad Patel S/o Late Shri Goverdhan Ram Patel, Aged About 57 Years Posted As Assistant Block Education Officer, Pratappur, District Surajpur (Chhattisgarh) R/o Village & Post Govindpur, P. S. Pratappur, District Surajpur (Chhattisgarh)
2. Vasudev Prasad Dingre, S/o Late Shri Rajman Ram, Aged About 52 Years Posted As Assistant Block Education Officer, Balrampur, District Balrampur-Ramanujganj (Chhattisgarh) R/o Village & Post Bartikala, Tahsil Wadraf Nagar, District Balrampur-Ramanujganj (Chhattisgarh)
3. Krishna Kumar Sahu, S/o Shri Rampyare Sahu, Aged About 56 Years Posted As Assistant Block Education Officer, Premnagar, District Surajpur (Chhattisgarh), R/o Nagar Panchayat Premnagar, District Surajpur (Chhattisgarh)
4. Sondhari Singh, S/o Shri Jairam Singh, Aged About 57 Years Posted As Assistant Block Education Officer, Wadraf Nagar, District Balrampur-Ramanujganj (Chhattisgarh), R/o Village Navgai, Post Office Raghunathnagar, Tahsil Wadraf Nagar, District Balrampur-Ramanujganj (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Principal Secretary, School Education Department, Government Of Chhattisgarh, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. Directorate Of Public Instructions, Through Director, Public Instructions, Chhattisgarh, Indrawati Bhawan, P. O. Rakhi, Naya Raipur, District Raipur (Chhattisgarh)

---- Respondent

For Petitioners : Shri Rakesh Thakur, Advocate.

For Respondents : Shri Prafulla Bharat, Additional Advocate General.

Hon'ble The Chief Justice
Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/10/2015

1. Heard Learned Counsel for the Petitioners and Additional Advocate General on behalf of the State.
2. The controversy in this Writ Application relates to 100% appointment by direct recruitment on the post of Assistant Block Education Officer under the Chhattisgarh School Education (Gazetted) Rules, 2009.
3. A similar issue has been considered in Writ Petition (S) No.6759/2014 and Writ Petition (S) No.6773/2014 and the Writ Petitions dismissed. In SLP No.7617/2015 preferred against the same, an order of status quo granted initially has been modified on 7.9.2015 directing that 7 posts be kept vacant for the Petitioners who were only 7 in number, with liberty to the State for filling up the remaining vacancies.
4. Learned Counsel for the Petitioners submits that the writ petition may be disposed in terms of the order passed by the Supreme Court to abide by the final decision which may be passed.
5. Learned Additional Advocate General opposing the prayer submits that the present writ petition has been filed on 14.10.2015 long after the original order of status quo dated 27.2.2015 and the subsequent order dated 7.9.2015 by the Supreme Court. The Petitioners fall in the

category of a fence sitter and cannot be permitted to take advantage of the same.

6. We have considered the submissions and are of the opinion that the Petitioners cannot be given benefit of the interim order passed by the Supreme Court, by us. It is apparent that the order of the Supreme Court is confined to the 7 Petitioners before it considering which liberty has been granted to the State for appointment on the remaining vacancies. If a superior Court has specifically confined relief to the seven Petitioners before it and granted express liberty to the State to make appointments on the remaining posts, it shall be an act of judicial impropriety and discipline on our part to overreach the orders of the Supreme Court.

7. The Writ Petition is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(Prashant Kumar Mishra)
J U D G E